

Meeting of 1997-5-27 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MAY 27, 1997 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBERS

John T. Marley, Mayor, Also Present:
Presiding Gil Schumpert, City Manager
Felix Cruz, City Attorney
Brenda Smith, City Clerk

The meeting was called to order at 6:00 p.m. with Invocation by Rev. Harold Dixon, Bethel Assembly of God Church, followed by the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall bulletin board as required by State law.

ROLL CALL

PRESENT: Jody Maples, Ward One
Richard Williams, Ward Two
Jeff Sadler, Ward Three
John Purcell, Ward Four
Robert Shanklin, Ward Five
Carol Green, Ward Seven

ABSENT: Charles Beller, Ward Six
Randy Warren, Ward Eight

PRESENTATION OF PLAQUE TO MS. JERRY PONDER, VOLUNTEER EXHIBIT DIRECTOR, CARNEGIE LIBRARY TOWN HALL

Bob Rhoads, Assistant Parks & Recreation Director, introduced Janice Ross, Diane Denham, Beverly Brock, and Carol Green as members of the Carnegie Library Advisory Board. Mrs. Brock presented a plaque to Ms. Ponder in honor of her years of volunteer service in arranging for artists to display their work at Town Hall. Ms. Ponder retired from this volunteer work on March 31. Mayor Marley read the plaque and thanked Ms. Ponder for her work.

Ms. Ponder said this had been an easy job because she enjoyed it and was happy that she could assist in promoting the arts.

PRESENTATION OF EMPLOYEE OF THE MONTH AWARD TO MELODY CUDD, LEGAL SERVICES DEPARTMENT

Cruz introduced Melody Cudd as Employee of the Month. She has worked in the legal office for two years, having transferred from Finance. He said Cudd is an aggressive and energetic person who is courteous to the public. She completed a short hand course at night on her own, participates in employee morale activities and is active with the United Way and March of Dimes.

Mayor Marley presented the plaque from T & S Printing, Certificate of Honor, two non-chargeable days off, and prizes from Midas Muffler, Goodyear, Hairloom, Chimney Sweep, and Calico County Restaurant.

Ms. Cudd said she had been with the City for five years and it was a pleasant experience. She said she enjoyed her job and the people she worked with and expressed appreciation for the award. Her two daughters accompanied her and were introduced.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL SPECIAL MEETING OF MAY 8 AND REGULAR MEETING OF MAY 13, 1997

MOVED by Shanklin, SECOND by Green, to approve the Minutes as submitted. AYE: Williams, Sadler, Purcell, Shanklin, Green, Maples. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Tony Virtu gave the following statement which is inserted verbatim:

"Hi, my names Tony Virtu. First of all Id like to thank Mr. Shanklin for his words of inspiration at the last meeting, he really helped me. In the last two weeks Ive tried 64 places to find a job, of course, I havent heard from you. I wrote you a little letter, I hope you got it. You may have some recommendations. The way you spoke you seemed to be very up on the job situation.

What I want to talk about tonight is another letter I sent to everybody last week, I delivered it to the City Clerk addressed to the Mayor, City Attorney, and all member of City Council, and this has really inspired me also because in this letter, once again, after repeating this for the past three months about information I have about police misconduct and discriminatory practices, I asked the addressees of the letter, or you folks up there, to contact me. Id give you the information. Let me get my glasses, sorry. I also said if I didnt receive no response I would have to believe that the Mayor, City Attorney and all members of City Council were in agreement with the practice of police misconduct and discrimination. Well, I received no response so Im glad that by your admission by silence you agree with me on the police practices of discrimination and misconduct. Im still available. All you have to do is ask. Ill give you the information. If you dont want it, thats your business."

UNFINISHED BUSINESS:

1. Consider applying to the Department of Housing and Urban Development or a Section 108 loan and an Economic Development Initiative Grant (EDI) for the renovation of the former Dunbar Elementary School and setting a public hearing date to receive citizen input to the application. EXHIBITS: NONE.

Schumpert said this was tabled April 8 by Council, and the recommendation is to set a public hearing to receive input.

Frank Pondrom, Director of Housing and Community Development, said the discussion was tabled for additional information. He said the pace of budget preparations in Lawton and Washington, D.C. have brought to light that funds will be available as part of the balanced budget deal between Congress and the President. Pondrom asked that a public hearing be set and at that time lay out a plan to get Dunbar School renovated if grant money can be obtained from HUD.

Shanklin asked who picks the board and from where for United Social Action, and if the Mayor is involved. Pondrom said United Social Action is a private, non-profit, volunteer organization that is a membership organization and has volunteers, and a board that elects their members and board of director; members are present who may want to give more specific information. Pondrom said USA, Inc. has a non-profit certificate from the State of Oklahoma. Schumpert said the Mayor does not participate in any of the membership. Pondrom said there is no relationship between any elected official and United Social Action. Shanklin asked if this could then be considered a private club. Pondrom said he would not say that since it has a different connotation from a non-profit organization; it is a neighborhood based non-profit, community organization.

Shanklin said if his memory was correct, Dunbar was not shut down from integration, but because mainly it was in the flight path. He said he did not understand investing \$1 million in it. Shanklin said he thought staff had looked at doing something else out there with a lot less money, and it is very expensive to remodel a building and may require a greater amount than the building could be worth later. He asked what staff had discussed in this regard.

Schumpert said based on the uses planned at Dunbar, a facility could be constructed, rented or leased that would house the current City activities at the Owens Multi-Purpose Center and allow full use of that Center as a recreational facility, similar to the King Center and Patterson Center. He said if that is not large enough, the Owens Center could be expanded on its present site, which would serve the needs of the additional agencies. Schumpert said one of the observations was there is Pleasant Valley Center in the area, the Owens Multi-Purpose Center, and if Dunbar is added, there would be three centers, as well as the club house situation for scouting at another location, so there would be a number of facilities in that area. The question was if you could obtain \$1.1 million, you could expand the Owens Center for less. He said he assumed the options would be brought out at the public hearing.

Purcell asked if application can be made for the EDI grant without having to take out a loan, or are both required. Pondrom said the two are not connected.

MOVED by Green, SECOND by Williams, to establish a public hearing date of June 10, 1997, to receive input into an application for funding for the renovation of the Dunbar School. AYE: Sadler, Purcell, Shanklin, Green, Maples, Williams. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

2. Hold a public hearing and consider an ordinance amending the Land Use Plan from Residential Multi-Family to Commercial and Office and changing the zoning from C-1 (Local Commercial District) to C-4 (Tourist Commercial District) zoning classification located at 302 NW Rogers Lane. EXHIBITS: ORDINANCE NO. 97-___; LOCATION

MAP; SITE PLAN; LETTER AMENDING REQUEST; LMAPC MINUTES.

Schumpert said the request was submitted by Robert E. Stevens. Deborah Jones, Assistant Planning Director, said the initiator is Robert E. Stevens, on behalf of the owner, Citizens Bank. The tract contains 1.3 acres, or 300 ft. x 200 ft. Proposed use of the tract is for the installation of a billboard, a non-accessory use. Surrounding zoning is R-4 to the south and west; R-1 to the east; to the north is Fort Sill, which has no zoning applied. Surrounding land use is Fort Sill to the north, outside the City limits; Sneed Acres residential area to the east; the Habitat, which is a townhouse association, on the south; and the property to the west is vacant. Proper notice of public hearing has been given.

Jones said on April 23, the Planning Commission, held a public hearing to consider the request and at that time the applicant amended the request and asked that the original rezoning request be reduced to the north 100 ft. of the requested area, or that the area be 300 ft. by 100 ft. in size. Two persons appeared to speak in opposition to the request at the public hearing. A petition has been received from owners representing 38.5% of the property within the 300 ft. notice area; a petition was received containing 88 signatures representing 73 property owners in the general vicinity. Numerous letters have also been received. Graphics were presented showing protests of owners within 300 feet, and protests of owners within the general area.

Jones said the Planning Commission held a public hearing, and under Title 19, to amend the Land Use Plan, an affirmative vote of six is required; although four votes were cast in favor and three in opposition to amend the Land Use Plan, the motion failed due to that statutory requirement. She said the Commission did recommend approval of the amended zoning request by a four to three vote, for the 100 ft. by 300 ft. area. The ordinance in the packet is for the 100 ft. by 300 ft. area only.

Purcell asked if there was a way the Council could approve a sign to be put up in a C-1 area by exception and have the area remain C-1 zoning. Jones said no, not under the present Code; the same question had been posed to Mr. Vincent at Planning Commission who answered as shown in the Commission minutes, there is not a way to vary the Code. She said the C-4 zone is the minimum zone for a non-accessory sign, meaning there is no primary use on the site but only this billboard.

PUBLIC HEARING OPENED.

Ray Polk, 3503 W Gore Boulevard, said he was present to speak on behalf of Citizens Bank, the owner of the property at 302 NW Rogers Lane. He said he wanted to clarify that there are no hidden agendas, they are not trying to dupe anyone or step on any toes, and not trying by trickery to do anything more than to gain some utility from the property they have held for the last ten years, and that is simply to put up a billboard.

Polk said a request was presented last year and at that time there was an aggressive movement to try to put in a miniature golf range, which failed. He said they are trying to gain some utility from the property, and do not want to make anyone angry at them and have tried to meet with area residents to clarify and explain what they want to do, and that is to ask for the northern 100 feet of the property to be zoned C-4 so they can put up a billboard, and they cannot put up a billboard or anything else without that, without being very obtrusive to the residents in the area, which they would prefer not to do.

Polk said two other persons are present to speak on behalf of the Banks position. He offered to answer questions from Council, area residents or any other interested persons, in an attempt to reach a compromise and bring the issue to a close.

Brian Donnelly, representing the Habitat Association, presented a photograph on the view graph showing the property in its current state and a digitally enhanced photograph with an existing billboard superimposed to show it as it would appear if this is approved. He said the trees would have to be removed and the sign would be lighted during hours of darkness. Donnelly said he lives on the north side of the Habitat so he would be looking at a lighted billboard. Those who live on the northwest side of Sneed Acres would have a large, lighted billboard in their back yards. He said the Habitat Association requests denial of the amendment to the Land Use Plan.

Bill Johnson, Sneed Acres, 211 NW Mimosa Lane, said his property is about 50 feet to the right of the extreme 300 feet marker, and he was speaking in behalf of the opposition to the rezoning. He said when the owner acquired the property, he knew the zoning and that their investment was restricted to the C-1 zoning. Johnson said a prudent investor would seek to use existing zoning instead of trying to change it. He said the request for a zoning change appears to have come after the poor investment became evident or perhaps a faster return on the investment could be received through commercial development. Johnson asked if the residents of the area should suffer for the mistakes of a non-resident investor who made an error in business judgment and responded that he thought not.

Johnson said the approach from the beginning has been to change from C-1 to C-4, even though the property is surrounded by a C-1 zoning restriction. He asked why they had not sought to recoup their investment by developing the land in accordance with the current zoning. Initially they wanted to build a putt putt course and

baseball batting cage; on February 14, 1996, that proposal was submitted to Planning Commission and it was unanimously rejected, and on 26 May, 1996, the City Council rejected the proposal. Eleven months later, on 23 April, 1997, LMAPC was asked by the property owner to reconsider the proposal for the same zoning change; however, less than three days prior to the scheduled meeting by LMAPC, the property owner informed the Sneed Acres group they would be willing to accept a change of zoning on only the north half of the property, 300 feet wide on Rogers Lane, and 100 feet deep, for the purpose of building a billboard. This approach at such a late date appeared to be dirty pool, notwithstanding the conciliatory approach, their proposal for a zone change was once again rejected by LMAPC.

Johnson said since that LMAPC meeting, the representatives of Sneed Acres have been approached by the owner representatives to reassure them their only intent is to build a billboard. Outwardly, this would appear to be a viable alternative to the original request, and in response to that approach, the residents suggested that perhaps only the west end of the property be considered, wide and deep enough to accommodate a billboard, which is only 40 x 30 feet according to their specification sheet. The owner rejected the idea and said they would rather have the entire north half of the property for the billboard, instead of having just enough room for the billboard, they want the entire 300 feet width of the property facing Rogers Lane and 100 feet deep of the available 200 feet in depth; this seems to be a tad large for the proposed billboard which requires only 40 x 30 feet. The desire to have the entire frontage for a billboard leads one to believe their ultimate goal is still to bring in commercial business as originally planned. He said residents had no guarantee that they will only put up a billboard, other than their word; they could sell the property the next day and what would their word give the residents. It would give them a piece of their area with C-4 zoning, and someone would likely request that it be expanded saying a little bit was given and only a little more was needed.

Johnson said Sneed Acres is one of the few residential areas that has remained unblemished by the forces of economic or commercial enterprise. The majority of the homeowners have been long term, very little turnover of ownership and if homes do become available, they are quickly sold. The most recent home for sale was on the market for less than two weeks. The apartments consistently have a waiting list for occupancy. The area is enjoying an expansion of new homes being built on Mockingbird Road. The homes have maintained the market value over and above the average because the owners take care of the property and because of the natural beauty of the area. The rezoning will decrease the value of the property.

Johnson said the residents are like a large family and they care about each other; the addition of unwanted commercial attractions would be a threat to property value and security of the area. He said they had a feeling that the fingers of political and financial power were pushing to have their way which the residents feel is not in the best interest of Sneed Acres nor the City of Lawton. Johnson said he was sad and ashamed to say that even the City Council member for this area does not support the cause of the residents and that he misled them in his campaign to gain office that he would support their beliefs just as his predecessor had done. He said if the vote is to approve the rezoning, there is not a whole lot the residents can do about it, and once it is changed, there will never be another reconsideration, but to change the zoning would be a tragedy and to quote the author of Absence of Malice, "by God, it aint right". Johnson asked the Council to do what is right.

Rexine Gibson said she was representing the Habitat. She said she believed everything Mr. Johnson had just said as being true, as did most of the residents present in the audience. Gibson said Mr. Stevens met with the owners of the Habitat and owners of homes in Sneed Acres and assured them the only intent was to use only a small piece on the west, front part for the sign. She said he seemed sincere and the residents realized they needed to use the piece of land; statement was made that the trees would not be removed and they would use only the one, small piece of land. Owners were in agreement with that approach because they knew the Bank needed to use the land; the owners at that meeting said they would not protest the rezoning request for what they needed, as long as they did not ask for the full frontage, which he has done here tonight. Gibson said she objected to that. She said such a request would allow not only for the billboard, but for whatever else they wanted on Rogers Lane, adjacent to Sneed Acres. Gibson said that just because they say they will put up the sign, when you rezone it, it opens it up to anything else they want to put in there. She asked that the request be denied.

Bob Stevens, R.E. Stevens & Associates, said the concerns when the application was turned in for the miniature golf course were not to change the contour of the property, remove trees, invade upon the fence line and things of that nature. He said they in turn created a development for a billboard sign, which would add some lighting to the entry on 62 Bypass. Stevens said he had taken the input from the residents to develop something that would be the least offensive to the area.

Stevens said comments were made that it was submitted 100 feet to the front, but to clarify that, it was originally submitted as C-4 and that he had spent a lot of time with the City seeing if they could put a billboard sign in C-1 but that was not possible or feasible. He said he also worked with the City to do the distance elongated along the entry road. Stevens said when he met with area residents, they all decided it would be best not to do it in an elongated manner because if anything happened, it would be along their entry road; the next option was to do the frontage. Stevens said the reason it was planned this way was because the City did not like to take a box and spot it out but would rather have it run the length of the property or some direction, so that was what he did, and he

explained it at Planning Commission.

Stevens said there was a misunderstanding that they could not restrict it and that he purposely set it back 100 feet to allow for the billboard sign, but it would not allow for anything else to be built as far as a permanent structure on C-4 because of the property line and setback requirements. He said you are limited by that alone to construction of a billboard sign. Stevens said Citizens Bank, who owns the property, stepped forward to say this is what we plan to do and have no different agenda.

Stevens said they tried to work with the area residents with this information, and that he understood the concerns. He said he, as a developer, was trying to take the input, not change the contours, water, land flow, trees, or any such things, and had supplied residents with a map. Stevens said the change occurred after the meeting with the residents in an attempt to reach a compromise. He said the location provides a cross section as far as the location of the roads. Stevens said there are some trees where the billboard would be located, but those trees are dead and they are not getting into the back of the property.

Stevens said he offered several times in the meeting, and had received no response, that if there is a major concern on the property, he offered to sell the back half of the property at C-1 to the area residents who would then control it forever, and still allow the C-4 and billboard to be on the front of the property. He said the property is already C-1, which allows a retail office building and many other uses; this would eliminate trees, change the property contour, light the site depending on what facilities would be there, and it would go across the frontage; the back of the property would be exposed to the residents, it would likely be filled in, although it is not in the flood plain. Stevens said the residents then would be looking at the back of a building, which may have dumpsters or graffiti.

Stevens said he had spent a considerable amount of time trying to design something that would work with the neighborhood to create something that could be done without creating the negative effects described at many of the meetings. He said the lighting is 300 feet minimum from any direction where this sign would be located to where the residents live; the lighting would benefit the entry, which has a sign saying the Habitat. Stevens said they could develop the property with the current zoning, but the intent was to work with the neighborhood and create something that would work out better. He said the lighting is on the sign itself, will be done professionally; it is not lighted from the ground up but on the sign and the lighting has shades.

Stevens said this is the best use of the property, with the 62 Bypass and the access to the property. He said a billboard sign will not create any more traffic, may provide extra lighting on the dark corner entry, yet it is far enough away from the residents not to cause a problem, and they are limited in use due to the setback line so it would be hard to put anything else in there.

A lady in the audience asked the size of the sign and Mayor Marley asked if Stevens could answer for public information. Stevens said it is 40 feet in length and 10 to 20 feet in width; the overall dimension of the sign itself is 40 feet in length.

Stevens said the question was raised as to why not rezone only enough area for the sign itself and he had gone through that with the City. He said to notch out a square was not recommended so they looked at different ways to get it done.

Maples asked if the lighting is from the top down onto the sign or from the bottom up. Stevens said one set shines up and another shines down, they are waterfall lights with shade covers; lighting from the ground up will blind oncoming motorists. Stevens said you want all your light on the sign and when you walk away from it, you do not want any light because you lose the effect. Stevens recommended approval of this request so they could put up a billboard sign and that would be the end of their development on this property.

Williams said Stevens mentioned staff had discouraged him from rezoning just the northwest corner. He asked if that is an option, how big of an area would be needed for the sign.

Stevens said the problem with that is the ODOT requirement for setbacks for the sign. He said that has been done in other locations in Lawton but it was not best to rezone 40 or 50 foot parcels for signs. Williams asked if 50, 75 or 100 feet would be sufficient. Stevens said there is a 40 foot sign, and a setback off the property line, so the 100 foot depth is needed; if they had 50, 75 or 100 feet, that is not a problem. Stevens said he selected the width and length dimensions because it would prohibit anything else from being built there. Williams asked if the reduced width would be acceptable. Stevens said you probably would need 100 feet due to ODOT requirements and the size of the sign. Williams asked if it is the north/south 100 feet that is needed. Stevens said yes.

Purcell said this could be accomplished by rezoning the northwest corner only, 100 feet deep by 100 feet along Rogers Lane. Stevens said that had been discussed with City staff.

Marian Russell said she taught school in Lawton for 32 years and had lived in Sneed Acres almost 40 years. She said there are already billboards on Rogers Lane, and she thought Lady Bird Johnson had something passed to prohibit billboards on public highways. Russell said there are trees and birds in this lovely area of Lawton and

suggested the City purchase the property so people coming into Lawton could see something beautiful instead of seeing billboards. She said there are over 50 long time families staying in Sneed Acres and it is their lives. Russell said she did not want a billboard and asked that the rezoning be denied.

Lori Smith said she is 41 years old and had grown up in Sneed Acres, having lived there 25 to 30 years. She said she, her husband and their five children moved back last year and built their dream house at 227 NW Mockingbird Road, and her parents still live in this addition. Smith said they moved to Sneed Acres from Fields & Dunning which is a speedway making it unsafe to even cross the street. She said one of her children must use a walker, and other children and residents of Sneed Acres also have handicaps. Smith said if there is increased traffic, which is inevitable with any type of commercial rezoning, and she understood the property is up for sale and if that is the case, why is there a need for a billboard.

Smith said she had to chase a car load of teenagers off of private property last week, and if her children would have been back there, they would have been hit. She said this is not about a billboard, but about their lives, homes, heritage and security. Smith said allowing commercial, thereby devaluing residential property, would endanger the welfare of the community. She said City Council and Urban Renewal are famous for their near sightedness; most cities have a heritage to share with their children but Lawtons can be seen only at the museum. Smith said the first thing people see coming into Lawton should not be billboards.

PUBLIC HEARING CLOSED.

Williams said this is in Ward 2 and he appreciated the Sneed Acres and Habitat homeowners and residents who came out this evening to speak and those who provided written correspondence. He said his position with everyone he has spoken with has been that he would not oppose a billboard. Williams said this is not about a billboard but about the fear of rezoning the 300 ft. by 100 ft. strip to C-4 and the possibility of what might happen on developing the north half or the sale of the total property, and the possibility of rezoning the south half to C-4 which would be the goal the owners had set out to accomplish a year or 18 months ago.

Williams said Stevens had been up-front with the homeowners in this attempt, possibly having learned from the last attempt, and that he appreciated Stevens efforts. He said if the north corner could be rezoned C-4 to allow for the billboard, 100 feet deep and whatever width would be necessary on Rogers Lane to accommodate the billboard, he would support that. Williams said the current zoning is C-1, which would allow for a funeral parlor, beauty shop, offices, and other things.

Purcell said this is a hard situation and one day the entire strip along Rogers Lane will be commercial, the same as Sheridan Road and Cache Road, we never expected them to be commercial, but they are. The current C-1 zoning on Rogers Lane will accommodate a laundry mat, funeral home, supermarket, dry cleaning, retail meat market, toy store, florist, drug store or bakery outlet; these would be worse than a billboard for the people in Sneed Acres. He said he would support rezoning for the smaller parcel for the billboard.

Shanklin said there was a similar situation on Sheridan Road a couple of months ago and the owners appeared. He asked if the residents would object to a rezoning of a 100 by 100 foot parcel. Bill Johnson said if they had to accept a sign, they would accept the area on the western end with a reasonable size, such as 50 feet wide by 100 feet. Jones said 100 feet depth is required. Schumpert said we are talking about 100 feet north/south and either 50, 75 or 100 feet east/west.

Maples asked how many feet wide was needed. Stevens said 100 feet by 100 feet would be fine, but the 50 and 75 create problems with the setbacks.

MOVED by Williams, SECOND by Shanklin, that this Council support a rezoning of that northwest corner of this property, 100 foot deep by 75 foot wide on Rogers Lane, to change that zoning from C-1 commercial to C-4 commercial, and waive the reading of the ordinance, read the title only.

Schumpert asked if that required a change to the Land Use Plan. Jones said she assumed the motion included an amendment to the Land Use Plan. Schumpert said he wanted it to be clear and asked if it was required. Jones said yes, the portion that is desired for rezoning, you should be amending that tract from residential multi-family to commercial office in the Land Use Plan.

Williams said he would amend the motion to include amending the Land Use Plan as stated.

Stevens said 100 by 75 may work but there is a 25 foot setback from the property line by ODOT so we are now at 50 feet and the sign itself will be within the parameters. He said if there is a requirement for five feet or ten feet to meet other requirements of the State, they may be slightly off. Williams asked if that was the north/south. Stevens said no, the depth is not a problem, it would be the east/west, at 75 feet with a 25 foot setback, they could be five feet off. Williams suggested making it 100 by 100.

AMENDED MOTION by Williams, SECOND by Purcell, to rezone the northwest 100 feet by 100 feet of that tract of land from C-1 to C-4, amending the 2020 Land Use Plan, and approve Ordinance No. 97-25, waive the reading of the ordinance and read the title only.

Cruz asked if there was 38% protest and Jones said yes, of the land area. Ordinance title was read by the City Clerk.

VOTE ON AMENDED MOTION: AYE: Purcell, Maples, Williams, Sadler. NAY: Shanklin, Green.

Mayor Marley said the item failed for lack of five votes.

3. Hold a public hearing and adopt a resolution declaring the main structure at 910 SW 9th Street to be dilapidated and detrimental to the health and safety of the community, and authorize the expenditure of City Council Contingency Funds, if necessary, to demolish this structure. EXHIBITS: RESOLUTION NO. 97-58.

Dan Tucker, Building Development Director, presented a video of the property pointing out defects and showing the building standing open. Notice was provided to the owners and mortgage holders and no response has been received.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Green, to proceed with the demolition of 910 S 9th Street and pass Resolution No. 97-58.

Shanklin asked how long staff had been working on this property. Tucker said for two years, and people had come in saying they wanted to remodel but the area has problems with flooding.

Shanklin asked if it would take this long on all the properties. Tucker said yes, although they are working on a means to get them to contractors quicker after they have been condemned. Tucker said staff can now request to enter structures that have been vacant for a period of time to inspect, so those could be brought to Council quicker.

Shanklin asked if the Chapter 6 recently passed would cause things to back up. Tucker said no, it would allow inspectors to enter the property, and condemnations are scheduled through September. Shanklin said staff could notify the owners that the condemnation would be considered. Tucker agreed and said for every location brought before Council, five or six have not been presented because staff and the owners were able to work something out.

Shanklin asked if there were sufficient staff members to handle this. Tucker said once the weeds are taken care of, he would, and with the addition of the two sanitation inspectors and cross training of all housing inspectors, it would be sufficient.

VOTE ON MOTION: AYE: Shanklin, Green, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-58

A RESOLUTION DETERMINING A CERTAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURE.

4. Consider approving a resolution in support of Wackenhut Corrections proposal to locate a medium security prison in Lawton. EXHIBITS: RESOLUTION NO. 97-59.

MOVED by Maples, SECOND by Purcell, to approve Resolution No. 97-59 supporting Wackenhut Corrections proposal to locate a medium security prison in Lawton.

Williams asked if a site had been found. Mayor Marley said to his knowledge that had not yet been decided, and areas outside the City limits to the south or southeast had been considered. Maples asked if it was within the Lawton Public School District. Mayor Marley said some are and some are not, but a decision has not been made as to the location.

VOTE ON MOTION: AYE: Green, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-59

A RESOLUTION SUPPORTING THE LOCATION OF A PRISON IN LAWTON.

5. Consider entering into an agreement with the United Social Actions, Inc., to carry out the roofing project at the former Dunbar Elementary School funded during the 1995-1996 program year. EXHIBITS: NONE.

Pondrom said at the April 8 Council meeting, several actions were taken to free up money for fixing the Dunbar roof. He said they had worked with the City Attorneys staff in developing a contract that would protect the City's interests and carry out the mandates of the federal government in expending Community Development Block Grant funds. Pondrom said he felt the contract would meet the federal requirements and the objective of getting the roof repaired.

MOVED by Green, SECOND by Sadler, to authorize the Mayor and City Clerk to execute an agreement with USA to implement the Dunbar roofing project in the amount of \$60,000. AYE: Green, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

6. Consider entering into an agreement with the United Social Actions, Inc. to carry out the Youth Employment Project funded during the 1996-1997 program year. EXHIBITS: NONE.

Pondrom said William McCall, USA, Inc., had contacted him with an idea as to how to spend the money in the youth employment program. He said funds were put aside to do something in the low and moderate income areas to hire youth in some worthwhile effort. Pondrom said a contract had developed as to how the funds would be spent, and procurement requirements and other elements required by the federal government were included.

Maples asked if the program would be available to all low and moderate income youth, as opposed to only those in a certain ward and Pondrom said it is for all low and moderate income youth.

Purcell said he had several questions concerning the agreement; one requirement is that the agency have \$100,000 worth of liability insurance. He asked if that was enough to cover the City or if the City had any liability if one of the youth gets hurt, is the City liable. Cruz said no, the City would not be liable.

Purcell said Exhibit A is the project work program, and the description says youth employed in certain jobs must be supervised by an adult over 25 years old, in Item H. He said Item K says the program will consist of a program director and at least two but no more than four adult supervisors; Item 6 on the next page says the program director must be at least 21 years of age; is that program supervisor the same as the at least two but not more than four adult supervisors under Item K, is that the same person. McCall said no, it is an additional person.

Purcell said the program supervisor must be at least 21 years of age. He said the agreement shows that supervisors are to be declared exempt under FLSA and that would be non-exempt, and can be corrected. Purcell said one person must be 21 but others must be 25 and there could be a conflict. Pondrom said he understood there would be one, overall supervisor, and there would be other supervisors under him that would not be youth, but they would be 21 years old. Purcell said the program supervisor can be 21 but the people he would hire would have to be 25 to supervise the youth. Pondrom said he understood it to be the reverse, but perhaps that should be clarified. McCall said the director and supervisors would all be of adult age, 25 or older. Purcell said the agreement says 21 and asked if that was a mistake and McCall said yes. Green asked where Purcell got the agreement. Purcell said he went to the City Clerks Office and picked it up; it was not in the packet but was referred to as being on file for reading, so he read it and was bothered by the insurance and had other questions, and that he was concerned about the liability, so he picked up a copy.

Purcell asked if there would be a program director who would be 25 years or older, and at least two adult supervisors. McCall said we have a program director and then at least two supervisors to supervise the youth. Purcell asked who is the program supervisor and McCall said there is none. Purcell said the agreement is not written in a manner which he could approve, and he agreed the \$20,000 should be spent for the program, but that he was concerned over how the agreement is written and it should be redone.

Pondrom said they were trying to get this started in the summer and that they did not have to be so specific about the ages of all the participants, and that McCall had written the agreement and he (Pondrom) had put it in the format to meet the federal guidelines. Pondrom asked if language could be included tonight that would allow it to be adopted tonight.

Purcell asked how much of the youth program funds would be spent on the adult supervisors and that he was not sure how many of them there would be, versus how much money would actually get to the youth. McCall said there will be three supervisors and approximately \$5,000 will go to their salary; they will also be volunteering a third of their time, and the \$15,000 will go to the youth.

Maples said her intent was that \$20,000 go to the youth and 25% of that is a large chunk. Pondrom said there was a need for some administrative cost and you would need someone looking over the youth. Maples asked if this could be done through Marie Detty or if some agency could volunteer, so the funds could actually get to the youth. Pondrom said he had not contacted Marie Detty about the program, but had conversations with the Salvation Army and the Parks & Recreation Department, and this is in response to a proposal made by United Social Action.

Williams suggested it be tabled until Council receives a budget with less administrative cost and more money back to the youth.

Shanklin asked how the youth are paid. Purcell said the City would give the money to United Social Action and they would be responsible for paying everyone. Purcell said he had no problem with that concept, but the agreement needs to be cleaned up and 25% of the total cost is going to adult supervision, and that could go up considerably. Shanklin asked if the

youth would work for United Social Action doing some service for them. Cruz said yes, the youth would be working for USA who will submit a voucher to the City every two weeks and the City would issue a check to the group, which will then pay the youth. Pondrom said it is set up a reimbursement basis where USA shows they spent a certain amount of money, and it is reimbursed.

Maples asked how the CDBG funding could be amended if this program is not done. Pondrom said a public hearing would be needed to cancel the project.

Green said she thought the program should be given a chance, and that this was the first time she had seen it where Council had to go somewhere to pick up something to read in order to be prepared for the meeting. She said that neither she nor the other members had the agreement, except for Purcell. Green said the \$5,000 may need to be changed where USA could direct it on a volunteer basis.

MOVED by Purcell, SECOND by Maples, to table this until the next meeting and we bring back a better plan and certainly a better agreement and that all the Council members get a copy of the agreement. AYE: Maples, Williams, Sadler, Purcell, Shanklin, Green. NAY: None. MOTION CARRIED.

7. Consider adopting an ordinance Chapter 22, Sections 102 A1 and A2 and 104B, Lawton City Code, 1995, increasing the income limits for elderly and disabled persons to qualify for a reduction in utility rates and deferral of late payment penalty and providing for an effective date. EXHIBITS: ORDINANCE NO. 97-25.

Green complimented Shanklin on this proposal and said she was in support of it.

Shanklin said the City will have to look for revenue somewhere and this would allow elderly folks to have some income so they may not have to decide between buying food, medicine, or paying more on the utility bill. He said this brings total combined income to \$16,000 for those 65 and over, or disabled regardless of age if they are head of household; discount would be \$12.

MOVED by Shanklin, SECOND by Sadler, to pass Ordinance No. 97-25, reading the title only.

Maples asked if it was taking \$12 off of the bill or if that was what they would pay. Shanklin said it is taking off \$12.

Shanklin suggested the ordinance be adopted, and that it include any future water rate increases of any kinds, whether it be sewage or solid waste, until it is changed again. Williams said that could be examined at the time. Schumpert said the City had about 500 people on the program when the level was first set at \$12,000, but over time, income has gone up and this has not been adjusted, so we are anticipating it will go back to about 500 participants. Schumpert said the ordinance only adjusts the household income and does not address the discount, which is set in another document.

(Title read by Clerk) ORDINANCE NO. 97-25

AN ORDINANCE RELATING TO UTILITIES, AMENDING SECTIONS 22-102 A1 AND A2 AND 22-104B, CHAPTER 22, LAWTON CITY CODE, 1995, INCREASING THE INCOME LIMITS FOR THE PURPOSE OF APPLYING REDUCTION FOR UTILITY SERVICES TO ELDERLY AND DISABLED PERSONS, AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION: AYE: Maples, Williams, Sadler, Purcell, Shanklin, Green. NAY: None. MOTION CARRIED.

8. Consider a resolution authorizing the installation and/or removal of traffic control devices at specified locations. EXHIBITS: RESOLUTION NO. 97-60; EXCERPT OF 5/15/97 TRAFFIC COMMISSION MINUTES.

Schumpert said the Traffic Commission recommends approval of removing two yield signs and installing two-way stop signs at NW 78th and Palomino; staff is recommending denial of the installation and using police enforcement to deal with the issue.

Purcell said he understood staff recommendation, but everyone out there wants this and has to deal with it daily, it would appear Council should try it and can change it later if needed.

MOVED by Purcell, SECOND by Shanklin, to adopt Resolution No. 97-60 authorizing the installation and/or removal of traffic devices at the specified location in accordance with the recommendation of the Traffic Commission.

Substitute motion by Maples to deny the item died for lack of second.

Sadler said the Traffic Commission looks at these carefully and recommended approval by a unanimous vote. He said he understood staffs reasons for their recommendation but that he would be in favor of supporting the Traffic Commission.

VOTE ON MOTION: AYE: Williams, Sadler, Purcell, Shanklin, Green, Maples. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-60

A RESOLUTION AUTHORIZING THE INSTALLATION OF TRAFFIC CONTROL DEVICES AT CERTAIN DESIGNATED LOCATIONS WITHIN THE CITY OF LAWTON, OKLAHOMA.

9. Consider awarding a construction contract for the South Water Treatment Plant Paint Project 97-7. EXHIBITS: BID TABULATION OF 5/13/97.

Schumpert said the engineers estimate was \$18,000, and the low responsive bid was \$17,270. He recommended award to Kinard Painting for the base bid of \$17,270.

MOVED by Purcell, SECOND by Green, to award the contract to Kinard Painting for Base Bid in the amount of \$17,270.00. AYE: Sadler, Purcell, Shanklin, Green, Maples, Williams. NAY: None. MOTION CARRIED.

10. Consider approving an ordinance relating to personnel administration, amending Chapter 17, Lawton City Code, 1995, as amended, amending the personnel policies and procedures of the City of Lawton, and declaring an emergency. EXHIBITS: SUMMARY OF SIGNIFICANT CHANGES. (Ordinance previously provided)

Schumpert said staff had been working on this for a number of months attempting to improve the personnel rules to have consistent provisions, and to insure consistency with state and federal laws and City Charter. He said the ordinance was lengthy and had been distributed previously; summary of significant changes was included with the commentary.

Purcell asked if the change reflects that City employees are at will as reflecting in State law and if it applies to all City employees. Cruz said yes.

Purcell asked if there was a reason to change from "probationary" to "introductory". Chuck Bridwell, Personnel Director, said that carries a connotation related to at will status, and that introductory is a better term to describe the first period of employment. Cruz said the personnel management field literature recommended use of the word introductory in lieu of probationary because it implies less property interest in the job. Schumpert said some feel that a person in a probationary status could be terminated for anything, but that is not true, and to let an employee go, they must be provided some reason for that action. Schumpert said introductory makes the status more clear.

Bridwell said changes had been made to the ordinance after it was distributed to Council. Cruz said the changes are: page 5 in the definition of introductory, added that the introductory period is the time you are employed with the City less than six months; page 8 has a deletion of seasonal employees because there are none and a change regarding temporary employee for six months, we translated six months into 1,040 hours for clarity and consistency; last change is on page 77 where a person who has been laid off and re-employed would be credited for time served from previous employment, the time served previously would be accumulated and added onto a persons longevity and leave period and so forth for leave purposes.

MOVED by Shanklin, SECOND by Green, to approve Ordinance No. 97-26, waive reading of the ordinance, read the title only, and declare an emergency.

(Title read by Clerk) ORDINANCE NO. 97-26

AN ORDINANCE RELATING TO PERSONNEL ADMINISTRATION, AMENDING CHAPTER 17, LAWTON CITY CODE, 1995, AS AMENDED, AMENDING THE PERSONNEL POLICIES AND PROCEDURES OF THE CITY OF LAWTON, AMENDING THE GENERAL PROVISIONS, TO INCLUDE DEFINITIONS; FUNCTIONS OF THE PERSONNEL DEPARTMENT; RECRUITMENT, SELECTION AND APPOINTMENT; CLASSIFICATION AND PAY; WORK HOURS, LEAVE, DISCIPLINE AND GRIEVANCES; PROCEDURES RELATING TO THE PERSONNEL BOARD AND THE EMPLOYEE ADVISORY COMMITTEE; POLITICAL ACTIVITIES, MISCELLANEOUS PROVISIONS, EQUAL EMPLOYMENT OPPORTUNITIES; CONFLICT OF INTERESTS, RETIREMENT AND PENSIONS SYSTEMS; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Purcell, Shanklin, Green, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

ITEM 11 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

12. Consider the following damage claims recommended for approval and consider passage of resolutions authorizing the City Attorney to file friendly suits for claims over \$400: Lillian Porter; John R. Andrews; Dwayne and Tami Hall; Patricia A. and Bernard M. Whipp, Jr.; Linda and Max Sasseen, Sr.; and Vernon Broomfield. EXHIBITS: LEGAL OPINIONS/RECOMMENDATIONS. (FOUR RESOLUTIONS ON FILE) Porter: \$192.00; Andrews: \$67.50.

(Title only) RESOLUTION NO. 97-61

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST DWAYNE AND TAMI HALL IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE REDUCED AMOUNT OF THREE THOUSAND, TWO HUNDRED DOLLARS (\$3,200.00)

(Title only) RESOLUTION NO. 97-62

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST BERNARD M. WHIPP, JR. IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE REDUCED AMOUNT OF SEVEN

HUNDRED THIRTEEN DOLLARS AND THIRTY-THREE CENTS (\$713.33).

(Title only) RESOLUTION NO. 97-63

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST LINDA AND MAX SASSEEN, SR. IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE REDUCED AMOUNT OF ONE THOUSAND DOLLARS (\$1,000.00).

(Title only) RESOLUTION NO. 97-64

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST VERNON BROOMFIELD IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE REDUCED AMOUNT OF TWO THOUSAND SEVEN HUNDRED FORTY-THREE DOLLARS AND NINETY CENTS (\$2,743.90).

13. Consider adopting a resolution ratifying the action of the City Attorney in filing and making payment of the judgment in the Workers Compensation case of Jerry Snider in the Workers Compensation Court, Case No. 95-9148 Q. EXHIBITS: RESOLUTION NO. 97-65.

(Title only) RESOLUTION NO. 97-65

A RESOLUTION RATIFYING THE ACTIONS OF THE CITY ATTORNEY IN MAKING PAYMENT OF THE JUDGMENT IN THE WORKERS COMPENSATION CASE OF JERRY SNIDER FOR THE AMOUNT OF SEVENTEEN THOUSAND, EIGHT HUNDRED THIRTY-FIVE DOLLARS (\$17,835.00) PER ORDER OF THE WORKERS COMPENSATION COURT AND FILING A FOREIGN JUDGMENT IN THE DISTRICT COURT OF COMANCHE COUNTY FOR PURPOSES OF PLACING SAID JUDGMENT ON THE TAX ROLLS.

14. Consider denying requests for installation of traffic control devices at specified locations. EXHIBITS: EXCERPT OF 5/15/97 TRAFFIC COMMISSION MINUTES. Action: Deny traffic control along 4500 block of SE Wilshire Terrace; deny installation of stop signs at the intersection of NW 78th and Rolando.

15. Consider adopting a resolution declaring June 7th and 8th, 1997, as "Free Fishing Days" at all City owned lakes to coincide with National Fishing Week. EXHIBITS: RESOLUTION NO. 97-66.

(Title only) RESOLUTION NO. 97-66

A RESOLUTION DECLARING JUNE 7TH AND 8TH, 1997, AS FREE FISHING DAYS AT ALL CITY OF LAWTON OWNED LAKES AS PERMITTED IN SECTION 19-302, LAWTON CITY CODE, 1995.

16. Consider adopting a resolution designating places and times within municipal jurisdiction to discharge fireworks on July 4, 1997. EXHIBITS: RESOLUTION NO. 97-67.

(Title only) RESOLUTION NO. 97-67

A RESOLUTION DESIGNATING THE PLACES AND TIMES WITHIN THE MUNICIPAL JURISDICTION IN WHICH FIREWORKS MAY BE DISCHARGED ON JULY 4, 1997.

17. Consider entering into a professional services agreement between the City and Ken Barnes and authorize the Mayor and City Clerk to execute the agreement. EXHIBITS: AGREEMENT. Action: Approve item.

18. Consider accepting the Wastewater Treatment Plant Belt Filter Press Rehabilitation Project 96-8 as constructed by Ashbrook Corporation and placing the maintenance bond into effect. EXHIBITS: NONE. Action: Approve item.

ITEMS 19 AND 20 CONSIDERED SEPARATELY AS SHOWN BELOW.

21. Consider approving an agreement with Worknet for a Certified Workplace Medical Plan for the City of Lawton and authorize the Mayor and City Clerk to execute the agreement. EXHIBITS: SUMMARY OF PROPOSALS; COMPARISON OF PROPOSALS; CWMP PRICING. Action: Approve item.

22. Consider extending contract for copier contract. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Extend contract with High Tech Office Systems, Lawton, OK, to 8/31/98 at same terms, and authorize execution.

23. Consider extending contract for pre-sort mail service. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Extend contract with Southwest Mailing Service, Lawton, OK, to 6/30/98 at same terms and authorize execution.

24. Consider awarding contract for slurry machine. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION; LETTER FROM BERGKAMP PRESIDENT. Action: Award contract to Bergkamp, Inc., Salina, KS, and authorize execution.

25. Consider awarding contract for waste oil disposal. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Oils Recovery, Oklahoma City, OK, and authorize execution.

26. Consider awarding contract for sodding and grassing. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contracts to El Reno Sod Farm, Inc., El Reno, OK, and to 4-D Garden Center, Lawton, OK, and authorize execution.
27. Consider awarding contract for thermoplastic material. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Cataphote, Inc., Jackson, MS, and authorize execution.
28. Consider awarding contract for hand-held radar units. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Decatur Electronics, Inc., Decatur, IL, and authorize execution.
29. Consider awarding contract for youth/adult trophies and plaques. EXHIBITS: MAILING LIST; TABULATION; RECOMMENDATION. Action: Award contract to Engraving-Smith of Lawton, Lawton, OK, and authorize execution.
30. Consider awarding contract for jailer uniforms. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to J.B. Battle Uniform Company, Oklahoma City, OK, and authorize execution.
31. Consider awarding contract for computer for upgrade to compu-capture. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Gateway 2000 Major Accounts, Sioux City, SD, and authorize execution.
32. Consider awarding contract for sewer rods. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Sewer Equipment Company of America, Glenview, IL, and authorize execution.
33. Consider awarding contract for mowing. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contracts to Dales Tractor Service, Lawton, OK; Beaver Creek Tractor Service, Elgin, OK; and Service One Janitorial, Lawton, OK, and authorize execution.
34. Mayors Appointments. EXHIBITS: NONE.

Library Board: Georgann Vineyard, Term: 5/25/97 to 5/31/99

Citizens Advisory Committee (CIP): Louis Jenkins, Ward 1, Term: 5/10/97 to 5/10/2000

Carnegie Library Advisory Board:

Beverly Brock, Term: 5/23/97 to 5/23/99

Janic Ross: Term: 5/23/97 to 5/23/99

Bill Hester: Term: 5/23/97 to 5/23/99

Committee for Naming Public Facilities:

Elizabeth Barnes, Human Rights Comm. Rep., Term: 5/27/97 to 5/27/99

35. Consider approval of payroll for the period of May 19 through June 1, 1997. EXHIBITS: NONE.

Mayor Marley asked that Items 19 and 20 be considered separately. Shanklin asked that Item 11 be considered separately.

MOVED by Williams, SECOND by Shanklin, to approve the Consent Agenda items as recommended with the exception of Items 11, 19 and 20. AYE: Shanklin, Green, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

11. Consider the following damage claims recommended for denial: Sadina B. and Bobby Bryant; and Steven and Kathy Metzger. EXHIBITS: LEGAL OPINIONS/RECOMMENDATIONS.

Shanklin said the Bryants adopted a dog which had parvo, unknown to the Shelter or the Bryants. He said that \$65 could mean a lot to someone and the City should pay that.

Williams asked if there was a warranty provided and Shanklin said no. Shanklin asked why it was recommended for denial. Cruz said the City Code and policy state that a person can return an animal within three days for a refund or receive a substitute animal; this was not done, but it was discovered that the animal had parvo. Shanklin said the animal died within that three days. Schumpert said instead of bringing the animal back, they took it to a veterinarian. Shanklin said that is a normal reaction if you do not know if it has parvo.

MOVED by Shanklin, SECOND by Maples, to pay the \$65 to the Bryants and to deny the Metzger claim.

Purcell asked if Council approves the Bryant claim is it a similar situation as to the first time a sewer backs up. Cruz said no.

VOTE ON MOTION: AYE: Green, Maples, Sadler, Purcell, Shanklin. NAY: Williams. MOTION CARRIED.

Council meeting was recessed at 8:00 p.m., and reconvened at 8:28 p.m. with roll call reflecting all members present except Beller and Warren.

BUSINESS ITEMS:

36. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of Brenda Smith as the City Clerk, and, in open session, consider approving an employment agreement of Brenda Smith as City Clerk. EXHIBITS: NONE.

37. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action on the School House Slough concession, and take appropriate action in open session. EXHIBITS: NONE.

MOVED by Green, SECOND by Williams, to convene in executive session to consider Items 36 and 37. AYE: Shanklin, Green, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 8:29 p.m. and reconvened in regular, open session at approximately 8:38 p.m. with roll call reflecting all members present except Beller and Warren.

Cruz reported the Mayor and Council met in executive session as shown on the agenda, and recommended ratifying action of the Lawton Water Authority with regard to Items 19 and 20.

19. Consider approving an amendment, extending the School House Slough concession lease agreement with Mrs. Charlie Moore until December 31, 1997, and take other appropriate actions relating to the lease extension. EXHIBITS: NONE.

20. Consider approving lease agreement with School House Slough, Inc., for the School House Slough concession at Lake Lawtonka. EXHIBITS: NONE.

MOVED by Purcell, SECOND by Shanklin, to ratify action of the Lawton Water Authority with regard to Items 19 and 20. AYE: Green, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

Water Authority action on these items had been as follows: "To extend the School House Slough lease to Mrs. Charlie Moore until December 31, 1997, accept \$3,000 from her as her contribution toward removal of the tanks and/or abatement, and releasing the City from any causes of action; and also to award the bid to School House Slough, Inc., which will be in effect January 1, 1998, pending conclusion of the negotiation of the transaction.

Mayor Marley said consideration was given to the continued employment of Brenda Smith as City Clerk.

MOVED by Williams, SECOND by Purcell, to approve the continued employment of Brenda Smith as City Clerk with an annual increase in wages of \$1,915, all benefits remain the same and approve the contract. AYE: Williams, Sadler, Purcell, Shanklin, Green. NAY: Maples. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Schumpert said the next budget meeting is June 3 at 5:30 p.m. to consider the Parks & Recreation Department budget.

Maples said she understood some scoreboards had been purchased and put up at Grand View Park but electricity had not been connected so they could not be used. She asked that action be taken to allow use of the scoreboards.

Shanklin asked if we were able to take sufficient care of the ball fields. Schumpert said the two extra people are on board, and as far as he knows, everything is working. Schumpert said there had been a problem with wet fields that could not be used because there were afternoon and evening games planned, and the fields could not be releveled during that time frame to allow for play.

Williams asked if funds were remaining in the 1990 CIP for fire station relocation. Schumpert said he did not believe so but he would confirm that.

There was no further business and the meeting adjourned at 8:45 p.m.